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OFFICE OF PETITIONS

In re Application of
Lowmaster
Application No. 10/668,616
Filed: September 23, 2003
Attorney Docket No. 1033-SS00412
For: SYSTEM AND METHOD FOR
FACILITATING PACKETIZED CALLS
BETWEEN MANAGED NETWORKS

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 20, 2006, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit a reply to the March 9, 2006 non-final Office action, which set a three month extendable period for reply. No extensions of time or reply being received, the Office contended that this application became abandoned on June 10, 2006. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioner alleges that the March 9, 2006 non-final Office action was not received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has submitted a copy of the docket record where the requirement would have been entered had the March 9, 2006 non-final Office action been received. In addition, practitioner referenced the docket record in the petition and stated that a review of the application's file jacket and docket record for the March 9, 2006 non-final Office action was fruitless.

Petitioner has established non-receipt. The petition is **granted** and the holding of abandonment is withdrawn.

Petitioner has filed a response to the March 9, 2006 non-final Office action with the present petition. As such, there is no need to re-mail the March 9, 2006 non-final Office action with a new period set for reply.

After the mailing of this decision, the application will be returned to Technology Center A.U. 2662 for consideration of the amendment filed on September 20, 2006.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



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